

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LANDIS CAGE,

Plaintiff,

Case No. 23-cv-11575

Honorable Linda V. Parker

v.

CURTIS BEARD, et al.,

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S
FEBRUARY 13, 2024 REPORT AND RECOMMENDATION**

Plaintiff commenced this lawsuit against Defendants on June 30, 2023.

Plaintiff claims that he has received an erroneous sex offender classification by prison officials at the various Michigan Department of Corrections facilities where he has been incarcerated while serving a two-to-ten year prison sentence. The matter has been referred to Magistrate Judge Patricia T. Morris for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation (“R&R”) on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 17.)

On February 13, 2024, Magistrate Judge Morris issued an R&R recommending that this Court *sua sponte* dismiss Defendants Sandra Wilson,

Anthony King, Edward Heap, Brian Shipman, Melissa Jennings, and Jerome Warfield pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief may be granted. (ECF No. 23.) Magistrate Judge Morris reasons that these defendants, who are members of the Michigan Parole Board, are entitled to “absolute immunity when performing adjudicatory functions.” (*Id.* at PageID. 145 (quoting *Coleman v. Martin*, 363 F. Supp. 2d 894, 903 (E.D. Mich. 2005).) Magistrate Judge Morris also recommends that all official capacity claims be dismissed because such claims are equivalent to claims against the entity of which the officer is an agent, and that state entity is entitled to Eleventh Amendment immunity. (*Id.* at PageID. 145-46.)

At the conclusion of the R&R, Magistrate Judge Morris advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at PageID. 147.) She further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Morris. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Plaintiff’s claims against the following Defendants are **DISMISSED WITH PREJUDICE** and these individuals are terminated from

this action: Sandra Wilson, Anthony King, Edward Heap, Brian Shipman, Melissa Jennings, and Jerome Warfield.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendants in their official capacity are **DISMISSED WITH PREJUDICE**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 7, 2024

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 7, 2024, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager